

## Butte-Silver Bow Study Commission Minutes

**Meeting Date:** February 17, 2005

**Time:** 5:35 p.m.

**Place:** Butte-Silver Bow County Courthouse, 1<sup>st</sup> Floor Conference Room

**Call to Order:** Chairman Bob Worley brought the meeting to order at 5:30 p.m. Chairman Worley proceeded to call roll with the following results:

**Members Present:** Tony Bonney, Wayne Harper, Dave Palmer, Meg Sharp, Northey Tretheway, Bob Worley, and Ron Rowling and Shelly Jones were also present.

**Excused Absence:** Ristene Hall, Cindi Shaw, and Shag Miller

**Others Present:** Judge Steve Kambich, Judge Bob Lee, Arlene Spear, Judge Debbie Williams, Lori Maloney, and Danette Harrington,

**Approval of Minutes:** Chairman Worley requested approval of the February 10, 2005, minutes. A motion was made by Dave Palmer to approve the minutes of the meeting; Tony Bonney seconded the motion. The motion passed unanimously. Next, Chairman Worley requested that the minutes from a special meeting held on February 2, 2005, be approved. Dave Palmer made a motion that the minutes of the February 2, 2005, minutes be approved; Meg Sharp seconded the motion and the motion passed unanimously.

**Citizens Comments:** None

**Items Not Addressed on the Agenda:** Chairman Worley read aloud a letter that the Study Commission received via the Internet from Kevin Johnson, Montana Bentonite. The letter stated such things as 1) if the government were receptive to citizen input and amenable to continuing an ongoing means to address issues, the government would be more successful with some type of an appeals mechanism for complaints, and 2) the average citizen is not able to access any meaningful dialogue into the budgeting process. This does not promote positive rapport. We need a more user-friendly government.

Chairman Worley stated that the Study Commission has addressed some of these problems, but there are other things that need to be looked at down the road. The Study Commission previously talked about having a particular department that may allow for all these things to flow into government. Chairman Worley asked if anyone had any other comments regarding the letter. Northey Tretheway said that Mr. Johnson brings up very good points, and that we talked about these points and it will be part of what we do going forward, and it will be covered. Dave Palmer said that when we bring in the Budget people to address this group that we will bring up his concern about having public input into the budgeting process before it is too late. Northey said that we also talked about a means to appeal issues and problems.

Chairman Worley introduced the speakers for the evening. The first to speak are Judge Steve Kambich and Arlene Spear from the City Court. Second to speak are Justice of the Peace, Judge Debbie Williams and Judge Bob Lee.

Judge Kambich introduced Arlene Spear as his clerk, as the acting judge, and as his walking encyclopedia with her 18 years of experience. Judge Kambich began by going over the number of tickets the city court processes: Sheriff's office tickets – 5,149, Health Department tickets – 110, Dog tickets – 320, criminal complaints from county attorneys – 1,100, approximately 1,500 trials, and DUI's – 300+, cases total 7,024+ cases per year. The total monies collected equal \$569,776.53 from July 1, 2003 to June 30, 2004.

The objectives of the City Court Judge are to impound cars for insurance third offense or subsequent, picking up all stray dogs, hiring a second clerk, getting current clerk upgraded. There are about 2000 warrants in the amount of \$200,000 that the judge would like to see collected and he is currently working with Captain Jerome McCarthy to implement a community service program. Judge Kambich also presented the salaries of other large county judges as follows: Cascade County - \$49,800; Flathead County - \$77,792; Gallatin County - \$57,000; Lewis and Clark County - \$50,550; Missoula County - \$55,000 and Yellowstone County - \$64,000.

**Chairman Worley** asked the salary amount of the Butte-Silver Bow County judge. That amount is \$38,792. Chairman Worley also asked Judge Kambich about a work fair program that he talked about during his campaign. Bob Worley mentioned the warrants, dollars outstanding, and that the same people end up coming back to see the Judge time again. He would like to see a work fair program established in Butte-Silver Bow for the people that can't pay their fines that would put these people to work to help clean up this community. There is a community ordinance/enhancement ordinance that Dave Palmer and Bob Worley worked on one and a half years ago. Chairman Worley believes that is what's holding economic development in this community – an unclean community. Judge Kambich has been talking to Captain McCarthy and Captain Skuletich to try and implement this project. Workers' Compensation is what is holding them back right now. Judge Kambich mentioned that they have talked to Judge Carol Anderson in Red Lodge. In Red Lodge, the inmate has to pay the work comp fee weekly in order to work. If they pay instead of Butte-Silver Bow paying, they will be giving back to the community. Supervision is also an issue; watching people cleaning up lots or planting grass. They have to be supervised to get the work done. Chairman Worley mentioned that Jack Powers, previously in charge of such a program in Butte-Silver Bow, might be a good resource for this program. He now works at the Montana State Prison in Deer Lodge. Chairman Worley also mentioned that Livingston has a similar program.

Dave Palmer asked if there was anything the Study Commission could recommend to the voters that could improve the services of the City Court. Judge Kambich mentioned the dog problem in Butte would be something. Tony Bonney asked about the Judge's goal to have one more clerk; he asked if his office was funded solely by the general fund and did that limit him. Judge Kambich replied that this was true. Northey Tretheway asked if the \$569,776.53 was an average amount. Judge Kambich said that this amount would increase. Tony Bonney said they used to have a youth community service program and Public Works helped them. He asked if there was an issue with Workers' Compensation for the youth program. Judge Kambich said that after they reach the age of 18 you have to have worker's compensation. Wayne Harper mentioned that Livingston copied Red Lodge's program.

Discussion continued which included warrants, the \$100 contempt-of-court charge after an arrest, which is added to their fine, other fines, and arrests. Also, it was mentioned that Judy Jacobson had appointed a committee of Commissioners that was going to look at the feasibility of looking into hiring an outside agency to collect on warrants because the law enforcement agency does not have the manpower to do it. The committee was supposed to report back to the Courts and the Courts did not hear back from them. Also, it was discussed how the criminals manage to come up with the money to

pay the bondsman, but not other fines. Northey Tretheway asked what the aging or the span of time was for the 2,000 warrants in the amount of \$200,000. Arlene Spear replied it was two years and then they are written off. Dave Palmer said that he would like to see the Butte police force, when they make an arrest, that they get a portion of the warrant money so they can hire more officers. The force increases, the number of warrants goes down, and more money is collected. This is a win-win situation for Butte-Silver Bow. Judge Lee concurred and said that if you can go out and collect some of the money that is owed, you could definitely hire three, full-time positions to service warrants, at least two full-time positions. The last full-time warrant officer, Jack Moore, did one heck of a job. He worked day or night. Chairman Worley asked what the cost per day was to keep a person in the city jail. It is about \$72. More dialogue continued about the jail facility, the costs, and it being understaffed. Subsequently, Chairman Worley asked about persons having suspended sentences, could they be people that could be put into the work fair program. Judge Kambich said that is a perfect example. Meg Sharp asked how the suspended sentences worked and mentioned that other communities charge the prisoners board and room.

Chairman Worley thanked Judge Kambich and Arlene Spear for speaking. He introduced Judge Williams. **Judge Williams** began by reporting that checks were issued to the Butte-Silver Bow Treasurer's office in the amount of \$316,834.00 from January 1, to December 31, 2004. The total number of tickets filed in the Justice Court was 3,601, criminal complaints filed was 317, Civil matters filed (civil and small claims) was 1,878, and search warrants issued was 32. Butte-Silver Bow is considered a large jurisdiction. Any county with a population of over 30,000 is considered a large jurisdiction. Judge Williams reported that they each have one full-time clerk. She reported on the numbers of clerks in other jurisdictions. A proposed bill, LC-0726, which would increase the justice court, the small claims and the civil jurisdiction, would double the current size, and it would double the workload. She also directed everyone's attention to a handout regarding civil case loads and noted that Butte-Silver Bow's JP court caseload has the highest number in the State at 34.8 percent. They have concerns with the manpower and workload. They only have two clerks and they will not be able to service the county in a timely and professional manner if the cases continue to rise. They would also like the Study Commission to consider the County Attorney's office being overburdened with the cases being filed and the limited staff.

Wayne Harper asked what the cost was to file a small claim. Judge Williams stated that it is \$20 for a small claim and \$35 for a civil claim. Judge Williams talked about the workload of the clerks. If they had more staff it would help with the growing cases every year and the same number of staff (two people) are handling the load. Judge Lee reported that there were 287,000 cases filed in the State of Montana in 2003 (courts of limited jurisdiction) and he reported that Butte-Silver Bow received 90% of the cases that were filed in the State of Montana. Judge Lee described the Justice of the Peace and the court's processes. Discussion included courts of record. It is more beneficial for the District Court to have a court of record so that everything said is recorded. The salary for a justice court that becomes a court of record is entitled to up to 90 percent of a District Court judge's salary. The bottom end of that amount is a salary of \$60,000, and most counties cannot afford that amount. Other conversations included the rotation of assigned cases, the difference between District Court cases and Justice of the Peace cases, and community service/work fairs. It is up to the Youth Court Probation to assign youth community service. Judge Lee also clarified the reason for "suspended sentence," the problem with impounding cars (generating money for a lit, fenced, secure facility and vehicles must be impounded by the Sheriff), and guidelines for sentencing.

Chairman Worley thanked Judge Williams and Judge Lee for speaking and said that he would appreciate it if the Courts worked together regarding a work fair program.

Next, the Study Commission reviewed the numerous topics that the judges brought before the Commission, i.e., warrants, bail bondsman, etc. Then the Commission continued the meeting by fine-tuning the survey questions. Superfund, a land board and related issues were discussed as well. The idea was raised to have Butte-Silver Bow's attorney for the Superfund issues, Gordon Hart, along with BSB Planning Director, Jon Sesso, appear before the Commission was brought up. Shelly Jones will provide the Study Commission members with a copy of the Term Sheet and Jon Sesso's presentation to the Council of Commissioners.

Chairman Worley reviewed the speaker schedule. Discussion followed. Chairman Worley stated that he would not be at the March 10 meeting. He also invited members to speak at the Butte Exchange Club (Neil Midtlyng) or any other invitations to speak.

***Date for Next Meeting:*** The next meeting will be Thursday, February 24, 2005.

***Adjourn:*** Chairman Worley entertained a motion to adjourn. Dave Palmer moved to adjourn; Northey Tretheway seconded the motion. The motion carried and the meeting adjourned at 7:12 p.m.